

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NYKCOOL A.B.,

12 Civ. 5754 (LAK) (AJP)

Plaintiff,

DECLARATION

-against-

PACIFIC INTERNATIONAL SERVICES,
INC., PAN AMERICAN TRADING
COMPANY, INC., FRUIT IMPORTERS
AMERICAS, INC., PACIFIC GROUP
HOLDING, INC., ECUADORIAN LINE,
SOUTH PACIFIC SHIPPING CO. LTD.,
ALVARO FERNANDO NOBOA PONTON,
CARLOS AGUIRRE, CARLOS AHLSTROM,
EDWARD HICKEY, ROBERT KISSINGER,
and TRUISFRUIT S.A.,

Defendants,

-and-

PACIFIC FRUIT INC. and KELSO
ENTERPRISES LTD.,

Defendants-in Interest.

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I, Edward A. Keane, hereby declare as follows:

1. I am a partner with the firm of Mahoney & Keane, LLP, counsel of record for the plaintiff, NYKCOOL A.B. ("NYKCool"), in the above-captioned action. As such, I am familiar, based upon my personal knowledge and my review of the file maintained by my office, with the facts and circumstances involved in this matter.

2. For ready referral, herewith attached are true copies of the following:

- Exhibit 1: Report and Recommendation dated November 9, 2012;
- Exhibit 2: Order dated December 4, 2012;
- Exhibit 3: Report and Recommendation dated March 29, 2013;
- Exhibit 4: Order dated June 14, 2013;
- Exhibit 5: E-mail chain dated July 22, 2013;
- Exhibit 6: E-mail chain dated August 5, 2013;
- Exhibit 7: Wire Confirmation dated August 5, 2013;
- Exhibit 8: E-mail dated August 7, 2013;
- Exhibit 9: Excerpts of transcript from deposition testimony of defendant EDWARD HICKEY ("Hickey") dated August 8, 2013;
- Exhibit 10: Hickey Declaration dated August 8, 2013;
- Exhibit 11: Transcript from deposition testimony of defendant CARLOS AGUIRRE ("Aguirre") dated August 14, 2013;
- Exhibit 12: E-mail dated August 23, 2013;
- Exhibit 13: E-mail chain dated August 27, 2013;

Exhibit 14: E-mail chain dated August 28, 2013;

Exhibit 15: E-mail chain dated August 30, 2013 through September 28, 2013;

Exhibit 16: E-mail chain dated September 11, 2013 through September 28, 2013;

Exhibit 17: Order dated September 30, 2013;

Exhibit 18: Excerpts of transcript from deposition testimony of garnishee Redi Fresh Produce by Michael Stamatis ("Stamatis") dated October 1, 2013;

Exhibit 19: Order dated October 28, 2013;

Exhibit 20: Report and Recommendation dated December 20, 2013;

Exhibit 21: Order dated March 11, 2014;

Exhibit 22: Judgment dated March 18, 2014;

Exhibit 23: Notice of Appeal dated April 17, 2014;

Exhibit 24: Order dated May 5, 2014; and

Exhibit 25: Order dated May 13, 2014.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 27, 2014

Respectfully submitted,

MAHONEY & KEANE, LLP
Attorneys for Plaintiff

By: _____

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